

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHRISTOPHER PYLES,

Plaintiff,

vs.

MAGID FAHIM and WEXFORD HEALTH
SOURCES,

Defendants.

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Case No. 11-cv-378-MJR-SCW

MEMORANDUM AND ORDER

WILLIAMS, Magistrate Judge:

Before the Court is Plaintiff's Motion Requesting a Physical Examination Pursuant to Federal Rule of Civil Procedure 35(Doc. 82). Specifically, Plaintiff seeks an examination by two specialists, a Orthopedic Doctor and a Neurologist, as well as an MRI and/or CT scan in order to identify Plaintiff's injuries. Defendants have filed a Response (Doc. 86) in opposition to the motion. Based on the following, the Court **DENIES** Plaintiff's motion requesting physical examination (Doc. 82).

Federal Rule of Civil Procedure 35 (a)(1) allows the Court to "order a party whose mental or physical condition...is in controversy to *submit* to a physical or mental examination by a suitably licensed or certified examiner." Fed.R.Civ.P. 35(a)(1) (emphasis adding) However, Plaintiff here wants the Court to order himself to submit to a physical examination. In essence, Plaintiff is requesting that he be allowed to see a specialist to bolster his claims. This is not the purpose of Rule 35 which is to allow the other side to pursue a physical examination from a party whose condition is at issue. Thus, the Court **DENIES** Plaintiff's request pursuant to Rule 35.

Further, to the extent Plaintiff is requesting an order for IDOC to allow him to see a specialist in the form of a preliminary injunction, the Court finds that Plaintiff has failed to make any

of the required showings to obtain a preliminary injunction. Accordingly, the Court **DENIES** Plaintiff's request for a physical examination.

IT IS SO ORDERED.

DATED: May 10, 2013.

/s/ Stephen C. Williams
STEPHEN C. WILLIAMS
United States Magistrate Judge